

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHALOM FELLOWSHIP INTERNATIONAL,
,

Plaintiff,

Case No. 17-12831

v.

Honorable Nancy G. Edmunds

NATIONWIDE MUTUAL INSURANCE
COMPANY,

Defendant.

_____ /

**ORDER DENYING DEFENDANT’S MOTION FOR REHEARING AND
RECONSIDERATION AND DENYING AS MOOT
PLAINTIFF’S MOTION FOR LEAVE [54] [55]**

Defendant moves for rehearing and reconsideration of the Court’s December 10, 2018 opinion and order denying the parties’ cross-motions for summary judgment. (ECF No. 54.) Defendant contends that the Court erred in finding that a question of fact exists as to whether Plaintiff made a reasonable effort to comply with its obligations under an insurance policy. Defendant argues that the summary judgment evidence establishes that it is entitled to judgement as a matter of law on Plaintiff’s claims. Plaintiff moves the Court for leave to file a response to Plaintiff’s motion. (ECF NO. 55).

Pursuant to Rule 7.1(h) of the Local Rules for the Eastern District of Michigan, a party may move for reconsideration of an order within fourteen days of the order's issuance. For the motion to succeed, the movant “must not only demonstrate a palpable defect by which the Court and the parties . . . have been misled but also show that correcting the defect will result in a different disposition of the case.” E.D. Mich. L. R. 7.1(h). A court generally will not grant a motion for reconsideration that “merely present[s]

the same issues ruled upon by the Court, either expressly or by reasonable implication.”
Id.

Defendant’s motion does not satisfy the requirements of Rule 7.1(h). Defendant has not set out a palpable defect by which the Court has been misled, but instead has merely re-hashed the arguments it previously made in its motion for summary judgment. *See Smith ex rel. Smith v. Mount Pleasant Pub. Sch.*, 298 F. Supp. 2d 636, 637 (E.D. Mich. 2003) (“A motion for reconsideration is not properly used as a vehicle to re-hash old arguments or to advance positions that could have been argued earlier but were not.”). The Court sees no reason to address these arguments again.

Accordingly, Defendant’s motion for rehearing and reconsideration is DENIED. Defendant’s request for rehearing is also DENIED.¹ And Plaintiff’s motion for leave to file a response to Defendant’s motion is DENIED AS MOOT.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: January 8, 2019

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 8, 2019, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager

¹ Pursuant to Eastern District of Michigan Local Rule 7.1(f)(1), no hearing will be held on a motion for rehearing or reconsideration unless the Court orders a hearing. The Court similarly sees no reason to hold another hearing to address these same arguments again.